

TITLE 16 DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, 1625 North Market Blvd, Hearing Room S-102, Sacramento, CA 95834. The telephone number is (916) 263-2300. **The hearing will be held at 10:00a.m. on Wednesday, May 31, 2006.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on **Monday, May 29, 2006**, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Sections 1647.10, 1647.11, 1647.12, 1647.14, 1647.18, 1647.19, 1647.20, 1647.21, 1647.22 and 1647.24 of said Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend 16 California Code of Regulations Sections 1044, 1044.1, 1044.2, 1044.3, and 1044.5 and add Section 1044.4

Existing law requires a dentist who wants to administer Oral Conscious Sedation (OCS) to meet certain educational criteria, in addition to meeting specific facility and equipment standards.

The proposed regulations implement the new sections of law by distinguishing between OCS as administered to minor and adult patients, specifying that certain postgraduate and advanced education programs meet OCS certificate requirements, and specify the method of documentation of 10 patients required for the issuance of an adult OCS certificate.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The board requested a Budget Change Proposal (1101-01-L) for a full time Staff Services Analyst position to process the workload associated with implementation of the Adult Oral Conscious Sedation Certification Program. The sum of \$47,000 was included in AB 1386 as an appropriation for 1 Staff Services Analyst personnel year (PY) for the remaining 6 months of FY 05-06

for the purpose of processing applications for adult conscious sedation certificates pursuant to the mandatory requirement imposed by this Section.

There are no costs or savings in Federal Funding to the State as no federally funded State programs or agencies are affected.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

Business Impact

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Dental Board of California has determined that this regulatory proposal may impact dental offices who have heretofore been allowed to administer Oral Conscious Sedation to adult patients without a certificate. The statutory requirement effective January 1, 2006 requires that those businesses must obtain a certificate to administer Adult OCS. A dentist who had never before administered oral conscious sedation could incur initial educational and equipment costs to be able to safely provide this service. However, it is not mandatory that any dentist must provide oral conscious sedation to patients, and the usage of a single maximum recommended dosage is exempted.

Cost Impact on Representative Private Person or Business:

The cost for a new application for a certificate to administer OCS to adult patients would be \$200.00 and biennial renewal fees of \$75.00 for each full two year period. A dentist who currently holds a certificate to administer OCS to minor patients would not be required to obtain an additional certificate for administration of OCS to adult patients.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulation may affect dental offices who cannot administer OCS to adult patients after January 1, 2006 without certification due to passage of AB 1386.

CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative which it considers or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name:	Donna Kantner
Address:	1432 Howe Avenue, Suite 85 Sacramento, California 95825
Telephone:	(916) 263-2300, ext 2308
Fax Number:	(916) 263-2140
E-Mail Address:	Donna_Kantner@dca.ca.gov

The back-up contact person is:

Name:	Robert Hedrick
Address:	1432 Howe Avenue, Suite 85 Sacramento, California 95825

E-Mail Address: robert_hedrick@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Donna Kantner (916) 263-2300, ext. 2308.

Website Access Materials regarding this proposal can be found at www.dbc.ca.gov